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11

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,583	04/06/2001	Marc Unger	20174-003010US	6679

20350 7590 08/08/2003

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EXAMINER
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CHAMBERS, A MICHAEL

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 08/08/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/826,583	UNGER ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
A. Michael Chambers	3753		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 and 32-43 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 and 32-43 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> Clippages	6) <input type="checkbox"/> Other: _____

Art Unit: 3753

### **DETAILED ACTION**

1. This action is in response to an amendment filed June 24, 2003. This action is further in response to a preliminary amendment filed August 28, 2001. This application is a continuation-in-part(C-I-P) of serial number 09/724,784, filed November 28, 2000, pending, which is a C-I-P of serial number 09/605,520, filed June 27, 2000. These application claim benefit from provisional applications 60/141, 503, filed June 28, 1999 and 60/147,199, filed August 3, 1999 and 60/186,856, filed March 3, 2000. The specification has been amended to delete the Unger et al as a separate document and states that if it is deemed essential material, then the specification will be further amended to include the essential material. The Examiner agrees that in view of its publication date, it is not **PRIOR ART**. Is the Non Patent literature to Quake et al also not **PRIOR ART**? The publication date is November 24, 2000.

Information disclosure documents(IDS)(5) (not yet considered) are attached. Are the listings for IDS(5) filed October 10, 2001, January 4, 2002, May 7, 2002, and August 5, 2002 and January 31, 2003 the only cited prior art by applicants? No copies of the documents which are Non Patent Literature Documents(cited in the October 1, 2001 and January 4, 2002 IDS) have been received and have NOT been considered. Copies of the US patents are not needed to be provided. The five IDS have not yet been considered. Applicants are asked again to update the status of documents on page 86(paragraph 1) in response to this Office action. Claims 26-31 have previously been canceled and claims 1-25 and 32-43 are pending.

Art Unit: 3753

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-25 and 32-43 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Keefe. Note the disclosure of a plurality of microfabricated channels formed in an elastomeric block (Figure 5, column 5, lines 20= and column 6, lines 55+). AND-type-truth table and NOR-type-truth table is deemed to be a function of which channels are opened or closed (i.e., have fluid or do not) and are deemed to be determined by the actuation of the particular channel of the fluid logic device of Figures 1. Applicants' remarks, drawn to patent to Holster et al were considered and deemed persuasive. The newly cited patent to O'Keefe has been applied to the claims as discussed above.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The previously applied patent to Holster et al clearly shows a truth table in Figure 3 (column 5, lines 11+).

Art Unit: 3753

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 703-308-1016. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm. (FAX (703) 308-7765).
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Rivell can be reached on 703-308-2599. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.
7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3851.

amc  
August 7, 2003



A. MICHAEL CHAMBERS  
PRIMARY EXAMINER  
ART UNIT 3753